Boatyard General Permit
Advisory Committee
May 28, 2003, Meeting Minutes

Attendees:

Name	Affiliation	Street Address	City & Zip	Phone	E-Mail
Barry Kellems	HartCrowser	1910 Fairview Avenue E	Seattle 98102-3699	206-324-9530	barry.kellems@HartCrowser.com
Michelle Kruse	NW Marine Trade Association	1900 N. Northlake Way, Suite 233	Seattle 98103	206-634-0911	kruse@nmta.net
Ken Radon	Port of Port Townsend	P.O. Box 1180	Port Townsend, 98368	360-385-2355	ken@portofpt.com
Phil Riise	Seaview Boatyard	4701 Shilshole Avenue NW	Seattle 98107	206-789-3030	phil@seaviewboatyard.com
John Papajani	Seaview Boatyard	4701 Shilshole Avenue NW	Seattle 98107	206-789-3030	john@seaviewboatyard.com
Dick Britton	Penmar Marine	2011 Skyline Way	Anacortes, 98221-2953	360-293-5134	penmar@fidalgo.net
Timothy M. Goodman	WA Dept. Natural Resources	1111 Washington ST SE	Olympia 98504-7027	360-902-1100	tim.goodman@wadnr.gov
Courtney Wasson	WA Dept. Natural Resources	Shoreline District		360-825-1631	courtney.wasson@wadnr.gov
Peggy Rice	King County Industrial Waste	130 Nickerson Street, #200	Seattle, 98109-1658	206-263-3028	peggy.rice@metrokc.gov
Cynthia Balogh	King County Hazardous Waste	130 Nickerson Street, #200	Seattle 98109-1658	206-263-3075	cynthia.balogh@metrokc.gov
John Drabek	WA Dept of Ecology, NWRO	3190 - 160th Ave. SE	Bellevue 98008-5452	425-649-7293	jdra461@ecy.wa.gov
Donna Ortiz de Anaya	WA Dept of Ecology, NWRO	3190 - 160th Ave. SE	Bellevue 98008-5452	425-649-7276	dort461@ecy.wa.gov
Dewey Weaver	WA Dept of Ecology	PO Box 47600	Olympia 98504-7600	360-407-6443	duwe461@ecy.wa.gov
Randall Marshall	WA Dept of Ecology	PO Box 47600	Olympia 98504-7600	360-407-6445	rmar461@ecy.wa.gov

Agenda:

10:00 - Introductions
10:15 - WDNR Lease Manager presentation on marina leases
10:30 - Need for changes in marina lease language
11:00 - Continuation of: A water quality-based limit, performance-based limit, or monitoring with no limit for copper?
12:00 - Lunch
1:00 - Continuation of: A water quality-based limit, performance-based limit, or monitoring with no limit for copper?
1:15 - Summary of the Clean Marina Meeting/Conference
1:30 - Marina sediment study
1:45 - Final discussion on marinas: How we can help educate them on their roles and responsibilities
2:00 - Boatyard training and technical assistance needs such as sampling
2:30 - Prompt adjournment

Meeting:

The meeting agenda was very different from the agenda originally sent by e-mail on May 16, 2003. Due to scheduling problems for some of the attendees, the agenda was revised twice on May 27th. The copper limit discussion and the marina discussions ran long and prevented a discussion of the minutes from the May 7th meeting. In order to be coherent, these minutes will not split the marina discussion even though the copper limit discussion was moved into the middle of the marina topics on the agenda.

An announcement was made that the permit will be drafted before the next Boatyard Advisory Committee meeting and will be the sole subject for discussion at that meeting. It will take about a month to write a draft permit.

After introductions, Courtney Wasson of the Washington Department of Natural Resources (WDNR) gave a presentation on aquatic lands leases. These leases are required for all marinas located on state-owned aquatic lands. There are some marinas that are not on state-owned land and do not have leases from WDNR. The same general lease language is used for a variety of activities on aquatic lands; marinas are only one type of activity occurring on state-owned aquatic lands in accordance with a lease. Exhibit B is a document included with each lease and it contains requirements and limitations for activities on aquatic lands. Exhibit B requires that natural resources not be damaged by activities conducted under a lease and that all other regulatory requirements and permits be obeyed. Exhibit B is not at this time specific about those activities that have concerned the advisory committee such as in-water hull cleaning or boat washing in marinas. Marina operators might more closely follow the requirements concerning these activities if they were specific. The advisory committee has been concerned about these marina activities because they are activities that should be conducted on a boatyard unless certain restrictions are followed in the marina.

Tim Goodman and Courtney Wasson agreed to revise Exhibit B to be more specific about the requirements and restrictions for conducting boat maintenance activities in marinas. Randall Marshall offered to extract language from the boatyard permit that specifically addresses these boat maintenance activities and compile it to fit into Exhibit B. This language will be distributed to the advisory committee for review and to WDNR for incorporation into Exhibit B.

Another issue mentioned by Courtney Wasson was that WDNR has no enforcement authority such as the ability to issue notices of violation or fines. Tim Goodman has explained this in earlier meetings. They have no options by themselves between doing nothing or withdrawing a lease and shutting down a marina. John Drabek noted that the Dept. of Ecology can issue a penalty to a marina on the basis of testimony and evidence from WDNR or King County staff. More communication and coordination between the state and local agencies involved with marinas could help correct some of these problems through Dept. of Ecology enforcement action. Better knowledge of Dept. of Ecology hotline phone numbers may also help.

In addition to adding more specificity to aquatic lands lease requirements, it was decided to resend the Divers Advisory to marinas along with a cover letter that explains its importance and the importance of other BMPs. The letter will also mention the kinds of liability that marina operators have if requirements are not met or if natural resources are damaged. The letter will also say that if a marina operator allows or conducts “boatyard activities” then they must apply for coverage under the boatyard permit. Donna Ortiz de Anaya offered to write the cover letter. Dick Britton observed that other organizations such as condo associations also need to receive the Divers Advisory and cover letter. He will get addresses for those in his area. Other folks should get addresses of organizations and individuals in their areas that need to receive this communication as well.

Randall Marshall reported on the Clean Marina Program meeting held on May 13th in Lacey. The meeting was sponsored by the Pacific Oil Spill Prevention Education Team (POSPET) and Washington Sea Grant. Clean Marina Programs have been established in Florida and Maryland and are being developed in a few other states. A Clean Marina Program is based on an incentive system. Marinas that wish to volunteer to become clean marinas pledge to meet environmental requirements. These include proper fueling, boat maintenance, waste disposal, runoff control, spill response, etc. Clean restrooms and docks free of trip hazards are also encouraged. Marinas which are certified by the Clean Marina Program as meeting requirements get free advertising on a web site and a large flag to display. Boaters looking for a marina that is environmentally friendly, safe, and clean will tend to go to a certified clean marina. Florida is also trying to arrange for a break in insurance rates for clean marinas. Insurance rates for marinas have quadrupled in recent years. A certified clean marina is less likely to have an accident or damage natural resources. Clean Marina Programs also provide technical assistance to all marinas and boatyards. A Clean Marina Program is being proposed for Washington State and Randall Marshall has volunteered to participate in order to keep raising the issues of concern that have been discussed by the advisory committee.

The action items resulting from the advisory committee discussions of activities in marinas that cause environmental damage and should be done at boatyards are: 1. Make the aquatic lands lease language more specific about proper and improper activities. 2. Encourage reporting of illegal marina activities to the Dept. of Ecology. 3. Resend the Divers Advisory with a cover letter that educates marinas on their responsibilities and liabilities. 4. Encourage the Clean Marina Program and use it to raise concerns over activities more appropriately conducted in boatyards. Marinas will not be discussed at future boatyard advisory committee meetings in order to allow for full discussion of the boatyard general permit.

Randall Marshall distributed a draft briefing paper on the effects of stormwater pollutants on Pacific Northwest fish. Copper was shown to be a large potential problem. He also presented data from EPA's EcoTox database on LT50s for copper. The LT50 is the time needed for a concentration of a toxicant to kill half of the organisms in a toxicity test. Copper in the 500 to 10,000 µg/L range will have an LT50 to rainbow trout of less than a day; often only a few hours. Copper in the 10 to 500 µg/L range will have an LT50 to rainbow trout of 1 to 3 days. Coho are the most sensitive of 5 species of salmon and are about 4 times as sensitive as rainbow trout although LT50 data was not available from EcoTox for coho. A study of urban stormwater near Vancouver B.C. found dissolved copper concentrations that peaked from 250 to 500 µg/L. The boatyard copper monitoring data from the last permit cycle has an average of 730 µg/L and a 95th percentile of 2,300 µg/L. This information was presented in order to give some reasons other than regulatory requirements for greater efforts to reduce copper in stormwater discharges.

Randall Marshall also presented an analysis of the boatyard copper monitoring data. In order to thoroughly remove data from boatyards that did not sample properly or that do little boat maintenance, the top 10 worst and top 10 best boatyards had all of their data excluded. The list of the worst and best 10 boatyards (*See below.) based on copper data had been generated earlier for investigation and sampling problems were a likely reason for at least some of the higher copper concentrations and inactivity was responsible for at least some of the lower copper concentrations. Both circumstances are not representative of typical boatyards so all of this data was excluded. There were still 539 copper numbers left for use in calculations. The following are the resulting percentiles and the average in mg/L:

99th	95th	90th	85th	80th	75th	average
4.5588	2.286	1.692	1.262	1.04	0.872	0.728176

A list was generated of those boatyards that would have been able to comply and those that would not been able to comply with a performance-based effluent limit set at each of these percentiles. The list was distributed for discussion at the meeting. Ken Radon reported after lunch that the boatyards in attendance had looked the list over during lunch and decide that the 95th percentile (2.3 mg/L) would be an acceptable performance-based limit that they could support. If this had been a limit in the last permit, 34% of the boatyards would have had at least one exceedance and the remaining 66% would have been in compliance. The compliance percentages are based on the complete list of boatyards with the worst and best 10 included.

Ken Radon also reported that the boatyard lunch discussion had determined that the 85th percentile (1.3 mg/L) would be an acceptable benchmark for the boatyards to use as a goal. Shipyard monitoring data might demonstrate that something around 1 mg/L is attainable and also a good benchmark.

Boatyard technical assistance needs were listed. Sampling is on the top of the list. The Water Quality Program intends to use the same type of training just given to the industrial stormwater permittees. This training will be given around the state after the permit is done. Boatyards also want the option for individual onsite sampling training. The Dept. of Ecology will try to accommodate this need too.

The advantages and disadvantages of the different discharge alternatives needs presented in training so that boatyards can make informed decisions. If BMPs and source controls will not be adequate in the long run to meet regulatory requirements, then stormwater treatment, roofing of the facility, discharge to ground,

discharge to a POTW, and/or closed loop system need to be considered. Each alternative will take time and funding to implement. It was noted that the Shipyard Association would be a good source of information. A workshop at NMTA was given as a possibility. The Dept. of Ecology, environmental consultants, and equipment vendors could all be available in one place for boatyards to access. The permit should include along with the requirement for vacuum sanding specifications so that state-of-the-art sanders are used which can capture at least 98% of the paint dust.

*10 best and 10 worst boatyards whose data was excluded from percentile calculations:

Excluded Boatyard	Permit #
C A NEILSON BOATYARD	WAG031037B
GIG HARBOR BOAT YARD INC	WAG031009B
HARBOR MARINE MAINTENANCE & SUPPLY	WAG030063B
HOOD CANAL MARINA CORP	WAG031008B
HOWARD MOE ENTERPRISES	WAG031014B
HYLAND MARINE	WAG031044A
LA CONNER MARITIME SVC	WAG030074B
MARINE SERVICENTER SEATTLE	WAG030077B
MERCER MARINE INC	WAG030071B
MORRIS & CO DBA OCEAN ALEXANDER	WAG030060B
PORT OF PORT ANGELES	WAG031027B
PORT OF PORT TOWNSEND BOAT HAVEN	WAG031006B
PORT OF SKAGIT CNTY LACONNER MARINA	WAG030036B
SEMIAHMOO MARINA	WAG030044B
SKYLINE MARINA	WAG030039B
SWANTOWN BOATWORKS	WAG031043A
THE SHIPYARD	WAG031039B
WEST BAY MARINA	WAG031015B
WESTMAN MARINE INC	WAG030053B
WESTWIND MARINE INC	WAG030037B